In the High Court of Judicature at Madras

Dated: 13.12.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice S.TAMILVANAN

Writ Petition No.47863 of 2006

K.Narasimha Nayak ..Petitioner

..vs..

The Chairman,
Chennai Metropolitan
Development Authority,
Thalamuthu Natarajan Maligai,
No.8, Gandhi Irvin Road,
Egmore,
Chennai-600 008. ..Respondent

Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider the representation and legal notice dated 19.04.2006 issued by the petitioner and demolish the unauthorised and illegal construction at Shop, Door No.51 in ground floor, and 3 shops, Door No.54, 55, 56 in 1st floor in survey No.46/1, Plot No.11, Thirumalai Nagar, Annexe I Main Road, Perungudi, Chennai-96, as per the orders envisaged in W.P.No.18998/2000, W.P.No.19998/2001, W.P.No.24216/2002 and W.P.No.17646/06 dated 23.8.2006 by this Court.

For Petitioner : Ms.K.Parameshwari

For Respondent : Mr.J.Ravindran

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ORDER

(Order of the Court was made by P.SATHASIVAM,J.,)

The petitioner has approached this Court to issue a Writ of Mandmus directing the respondent Member-Secretary, Chennai Metropolitan Development Authority, to consider his representation sent in the form

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of legal notice dated 19.04.2006 and take appropriate action in respect of unauthorised and illegal construction at Shop bearing door No.51 in ground floor, and 3 shops bearing Door No.54, 55, 56 in 1st floor in Survey No.46/1, Plot No.11, Thirumalai Nagar Annexe, I Main Road, Perungudi, Chennai-96,

2. On direction, Mr.J.Ravindran takes notice for the respondent.

3. In view of the limited relief prayed for and assertion of the learned counsel for the petitioner that the petitioner had sent legal notice on 19.04.2006 and no action has been taken by the respondents, we direct the respondents to dispose of the said representation in the form of legal notice (if the same is still pending on his file), in accordance with law. It is made clear that any action is being taken against anyone on the ground of violation of the Rules or planning permit, it is but proper on the part of the respondent to issue notice to them, afford reasonable opportunity and thereafter, pass appropriate orders.

With the above direction, the writ petition is disposed of. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

gl

To

The Chairman,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajan Maligai,
No.8, Gandhi Irvin Road,
Egmore,
Chennai-600 008.

+1cc to Mr.A.Mohamed Gouse, Advocate Sr 62036
+1cc to Ms.K.Parameshwari, Advocate Sr 61773

GGK (CO)
km/02.01.

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